

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JULY 29, 2002
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Stevens at 2:10 p.m. Deputy Mayor Stevens recessed the meeting at 3:55 p.m. for the purpose of a break. The meeting was reconvened by Deputy Mayor Stevens at 4:02 p.m. with Mayor Murphy and Council Member Peters not present. Deputy Mayor Stevens adjourned the meeting at 4:35 p.m. into Closed Session on Tuesday, July 30, 2002, at 9:00 a.m. in the twelfth floor conference room to discuss existing and potential litigation matters and Meet and Confer issues.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-Excused by R-297012 (Due to death of his mother)
- (1) Council Member Peters-Excused by R-297214 (Coastal Commission Meeting)
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Fyre-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour/Fishkin (mc)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Father Michael Nee of the Holy Cross Episcopal Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Frye.

FILE LOCATION: MINUTES

ITEM-30: San Diego Blood Bank and Las Patronas.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-152) CONTINUED TO MONDAY, AUGUST 5, 2002

Commending Las Patronas for its generous support of and service to the San Diego Blood Bank, its historic Disaster Readiness Fund, and the greater San Diego community.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A038-041; A182-185.)

MOTION BY COMMON CONSENT TO CONTINUE TO MONDAY, AUGUST 5, 2002, TO ALLOW COUNCIL MEMBER PETERS TO BE PRESENT. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

ITEM-31: Fred Baranowski Day.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-171) ADOPTED AS RESOLUTION R-296848

Proclaiming July 29, 2002 to be "Fred Baranowski Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A042-088.)

MOTION BY COMMON CONSENT TO ADOPT. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

ITEM-32: Retired Senior Volunteer Patrol Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-130) ADOPTED AS RESOLUTION R-296849

Commending the Retired Senior Volunteer Patrol for their outstanding record of community service, and recognizing the efforts of RSVP to improve the lives of all San Diegans;

Proclaiming July 29, 2002 to be "Retired Senior Volunteer Patrol 10th Anniversary Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A089-181.)

MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

ITEM-33: John and Lynn Swanson Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-136) ADOPTED AS RESOLUTION R-296850

Recognizing and appreciating John and Lynn Swanson by proclaiming August 15, 2002 to be "John and Lynn Swanson Day" in the City of San Diego, commemorating their combined sixty years of dedicated public service to the residents of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A190-307.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

ITEM-34: Associated General Contractor's Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-88) ADOPTED AS RESOLUTION R-296851

Proclaiming Monday, July 29, 2002, to be "Associated General Contractors of America Day" in the City of San Diego, in recognition of the contributions made to the City and the general public by the San Diego Chapter of the Associated General Contractors of America, Inc.

SUPPORTING INFORMATION:

The Associated General Contractors of America (AGC) is the nation's largest and oldest construction trade association. The San Diego Chapter, which includes over 800 general contractors, subcontractors, and suppliers of construction materials and services, is celebrating its 75th year in San Diego on August 10, 2002. AGC's membership is dedicated to improving the construction industry by employing the finest skills, promoting the latest technology, and advocating building the best quality projects for public and private owners. AGC contractors build the buildings we work, in the schools our children learn, in the facilities we play in, the hotels visitors stay in, and the roads and bridges we drive on.

AGC's apprenticeship program with over 700 apprentices working during the day and training in nine different trades in evening, ensures a skilled and quality workforce that is ready to meet San Diego's construction needs. The AGC has partnered with the City of San Diego in a successful Mentor-Protégé Program that assists emerging businesses with the instruction on how to run a reputable profitable construction company. AGC has partnered with the San Diego Unified School District to begin a "Construction Tech Academy" at Kearney High School, which immerses students in a rigorous learning environment that captures student interest in engineering, architecture, and construction-related careers. AGC has partnered with San Diego State University to establish a construction management and engineering department, which prepares engineers to work for construction firms right out of school and provide local firms with a stable recruiting tool. Therefore, proclaiming July 29, 2002 as "Associated General Contractors Day" in recognition of his many outstanding contributions and service to the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A308-392.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

ITEM-50: Lease Amendment - Rio Vista Tower - Padres.

(Mission Valley Community Area. District-6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/15/2002. (Council voted 6-3. Councilmembers Atkins, Maienschein, and Frye voted nay):

(O-2003-29) CONTINUED TO MONDAY, AUGUST 5, 2002

Authorizing the City Manager to execute the First Amendment to Lease Agreement with Hyundai Rio Vista, Inc., at an initial monthly rent of \$43,252.30;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$84,549.79 from Fund No. 10330, Dept. 930 for FY2002.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A393-424.)

MOTION BY WEAR TO CONTINUE TO MONDAY, AUGUST 5, 2002, AT HIS REQUEST TO ALLOW MAYOR MURPHY AND COUNCIL MEMBER PETERS TO BE PRESENT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

- * ITEM-100: Two actions related to Advertising for Bids and Awarding a Contract for South Miramar Landfill Slope Stabilization.

(Miramar Marine Corps Air Station Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-80) ADOPTED AS RESOLUTION R-296852

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of South Miramar Landfill Slope Stabilization on Work Order No. 320190;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$850,833 from CIP-32-019.0, South Miramar Landfill Improvements, Environmental Services Enterprise Fund, Fund No. 41201, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02246C)

Subitem-B: (R-2003-81) ADOPTED AS RESOLUTION R-296853

Certifying that Mitigated Negative Declaration LDR-40-0065 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the Construction of South Miramar Landfill Slope Stabilization;

Declaring that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving Mitigated Negative Declaration LDR-40-0065;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

CITY MANAGER SUPPORTING INFORMATION:

The 192-acre South Miramar Landfill is located on Marine Corps Air Station (MCAS) Miramar southerly of the current West Miramar Phase II land filling operations. It was operated from December 7, 1959 to May 5, 1973, and was closed in accordance with the terms and conditions of a lease with the United States Navy.

The Regional Water Quality Control Board (RWQCB) issued a notice to the City to correct side slope erosion noted during an inspection. Drainage from a tributary canyon discharging into San Clemente Canyon has exposed trash and impaired slope stability of the landfill.

The proposed remediation includes the placement of rock drop structures and gabions in the unvegetated creek channel. The project has been reviewed under CEQA and a Negative Declaration, LDR-40-0065, dated April 6, 2000, covering this activity was adopted by the City Manager on April 10, 2000, by Document No. C-09985. A Mitigation and Monitoring Program addresses Biological Resources/Sensitive Habitat and Temporary Water Quality/Construction Impact Issues.

FISCAL IMPACT:

The estimated construction cost for this project is \$850,833. Funds are available from the Environmental Services Enterprise Fund 41201, CIP-32-019.0, South Miramar Landfill Improvements.

Loveland/Hays/RJH

Aud. Cert. 2200868.

FILE LOCATION: Subitems A & B: W.O. 320190

COUNCIL ACTION: (Tape location: A425-480.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

* ITEM-101: First Amendment to Consultant Agreement with Berryman and Henigar, Inc.

(See memorandum from Mark Stone dated 6/21/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1450) ADOPTED AS RESOLUTION R-296854

Authorizing the City Manager to execute a First Amendment to Agreement with Berryman and Henigar for consultant services;

Authorizing the expenditure of an amount not to exceed \$8,500 from Water Revenue Fund 41500.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/26/2002, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

On December 22, 2000, the City Council approved a consultant agreement with Berryman and Henigar, Inc. in the amount of \$80,000, to assist the Water Department in preparing a Watershed Sanitary Survey for all of the City's reservoirs and watersheds which is required by the State of California Department of Health Services. This amendment is for additional services for Berryman and Henigar, Inc. to complete the work under this consultant agreement.

The additional services include redoing statistical analysis on revised information provided by the Water Department and recreating portions of the 1996 Watershed Sanitary Survey (Surveys) in electronic form. These services were necessary because of problems with data sets which the City provided the consultant and because not all portions of the Surveys were in electronic form.

These services required additional time not contemplated under the original consultant agreement in order to deliver an acceptable work product to the State Department of Health Services. The additional services have been provided to the satisfaction of the Water Department.

FISCAL IMPACT:

The amount of \$8,500.

Mendes/Gardner/MS

Aud. Cert. 2201022.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A425-480.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

* ITEM-102: Agreement with Brown and Caldwell to Prepare Watershed Development Guidelines.

(See memorandum from Mark Stone dated 6/21/2002.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-1709) ADOPTED AS RESOLUTION R-296855

Authorizing the City Manager to execute an Agreement with Brown and Caldwell, to prepare Watershed Guidelines for City Reservoirs;

Authorizing the expenditure of an amount not to exceed \$350,000 from Water Revenue Fund 41500.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/26/2002, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego has nine (9) raw water storage reservoirs. These reservoirs capture local runoff, provide on average, 20% of the City's water supply and store imported water to meet emergency and daily operational needs. The reservoirs are key, indispensable components of the regional water supply system. Six (6) of the reservoirs, and nearly all of the water shed lands draining into these reservoirs, are located outside of the City.

A multi-barrier approach to protection of drinking water quality is the best method for insuring that healthful, high quality water supply. The multiple barriers are protection of the water supply at its source, filtration and disinfection at the water treatment plant, and delivering treated water through a closed, secure distribution system.

The Water Department does a good job of providing all the barriers, with the possible exception of source water protection. The City faces significant challenges protecting its source water supply because so much of the watershed areas are outside of its jurisdiction and thus, are outside of the City's jurisdictional sphere of authority for land use planning, zoning, and building code issues. Watershed sanitary surveys prepared in 1996 and updated in 2001 identify urban runoff, new construction, and new development activities in the water sheds as the most significant existing and potential sources of contamination to the source water reservoirs.

At present the Water Department reviews new developments in its watersheds as the information is provided through the CEQA process. Development review is conducted on a case-by-case basis without the benefit of an overall strategy to ensure protection of source water. There is a need to establish uniform watershed development guidelines for source water protection.

The Proposed Agreement would formulate watershed development guidelines specific to the protection of drinking water resources in each of the City's reservoir watersheds. The purpose of the guidelines is to ensure that future land use changes occur in ways that minimize adverse impacts to surface water quality and protect the City's local source waters. Land developers may use the guidelines in conceiving and designing projects located on watershed lands. City staff and possibly other local agencies will use the guidelines as part of the development review/comment/approval process. Building on existing land use, zoning, and building code regulations, a suite or menu of guidelines for new development will be created. The guidelines will be provided as both a written manual and as an interactive web-based GIS format. The guidelines will include, but are not limited to, best management practices (BMP's) for

construction and new development, recommendations for long-term maintenance and monitoring of BMP effectiveness, and public information and outreach strategies. Stakeholder involvement (e.g. County, Forest Service) will be solicited and be critical in formulating guidelines.

Planning for protection of source water by creating watershed development guidelines will provide a road map for the protection of drinking water, will increase the reliability of the water supply system and could reduce the cost of treatment.

FISCAL IMPACT:

The Total cost for this consultant contract is \$350,000 and funding is available from Water Revenue Fund 41500.

Mendes/Gardner/RJC

Aud. Cert. 2201173.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A425-480.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

* ITEM-103: Point Loma/Ocean Beach Traffic Signal Interconnect System.

(Midway/Ocean Beach/Peninsula Community Areas. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-102) ADOPTED AS RESOLUTION R-296856

Authorizing the City Manager to accept the Program Supplement in an amount not to exceed \$630,000 of Federal Congestion Mitigation and Air Quality Funds [CMAQ] Fund No. 38696, for the design and construction of CIP-62-285.0, Point Loma/Ocean Beach Traffic Signal Interconnect System;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$630,000 CMAQ Fund No. 38696, for the design and construction of CIP-62-285.0, Point Loma/Ocean Beach Traffic Signal Interconnect System, contingent upon receipt of fully executed Program Supplements;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer funds to the appropriate reserves, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for such expenditures are, or will be, on deposit with the City Treasurer.

CITY MANAGER SUPPORTING INFORMATION:

This project will install traffic signal interconnect on the following streets:

- 1) Nimitz Boulevard between Lowell Street and West Point Loma Boulevard.
- 2) Sunset Cliffs Boulevard between Santa Monica Avenue and West Point Loma Boulevard.
- 3) Sports Arena Boulevard between Midway Drive and Rosecrans Street.
- 4) West Point Loma Boulevard between Sunset Cliffs Boulevard and Sports Arena Boulevard.
- 5) Rosecrans Street between Sports Arena Boulevard and Pacific Highway.
- 6) Catalina Boulevard between Nimitz Boulevard and Point Loma Avenue.
- 7) Chatsworth Boulevard between Narragansett Avenue and Voltaire Street.
- 8) Voltaire Street between Sunset Cliffs Boulevard and Ebers Street.

FISCAL IMPACT:

The total cost of this project is \$630,000 which is reimbursable by a Federal (CMAQ) grant.

Loveland/Belock/PB

Aud. Cert. 2300029.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A425-480.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

* ITEM-104: Rancho Bernardo Traffic Signal Interconnect System.

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-104) ADOPTED AS RESOLUTION R-296857

Authorizing the City Manager to accept the Program Supplement in an amount not to exceed \$750,000 of Federal Congestion Mitigation and Air Quality Funds (CMAQ) (Fund No. 38697) for design and construction of CIP-62-327.0, Rancho Bernardo Traffic Signal Interconnect;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$750,000 of CMAQ Funds (Fund No. 38697) for design and construction of CIP-62-327.0, Rancho Bernardo Traffic Signal Interconnect, contingent upon receipt of fully executed Program Supplements;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer funds to the appropriate reserves, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for such expenditures are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the City Manager to accept, appropriate, and expend \$750,000 of CMAQ funds, Fund 38697, for the CIP-62-327.0, Rancho Bernardo Traffic Signal Interconnect. This project provides for a traffic signal interconnect and central communications to 37 traffic signals in Rancho Bernardo.

Twisted pair interconnect will be installed on Pomerado Road, Rancho Bernardo Road, Bernardo Center Drive, West Bernardo Drive, Paseo Lucido, Via del Campo, Bernardo Heights Parkway, and Camino del Norte. Central communications will be achieved by wireless communication lines or by connecting to a proposed addition to the fiber optic network (separate project). The cost of this project is estimated to be \$750,000 for design, construction, and construction engineering.

FISCAL IMPACT:

The total cost of this project is \$750,000, which is reimbursable by a Federal (CMAQ) grant.

Loveland/Belock/PB

Aud. Cert. 2300030 Rev.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A425-480.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

ITEM-105: North Metro Interceptor Diversion 3A - Additional Project Costs.

(See memorandum from Scott Tulloch dated 6/19/2002, and Equal Opportunity Contracting Program Evaluation. Linda Vista, Mission Valley Community Areas. District-6.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-106) CONTINUED TO MONDAY, AUGUST 5, 2002

Authorizing the City Manager to negotiate and execute with Mitchell Pacific Contractors, Inc., Construction Change Order No. 4 (for differing site conditions) to the North Metro Interceptor Diversion 3A Project, for an amount not to exceed \$278,000;

Authorizing the City Manager to negotiate and execute with Mitchell Pacific Contractors, Inc., Construction Change Order No. 6 (for dewatering fee) to the North Metro Interceptor Diversion 3A Project, for an amount not to exceed \$1,280,000;

Authorizing the City Auditor and Comptroller to transfer \$1,278,000 from Fund 41508, CIP-45-937.0, Point Loma - Site Improvements to Fund 41508, CIP-46-104.0, North Metro Interceptor Diversion 3A;

Authorizing the expenditure of an amount not to exceed \$1,278,000 from Fund 41508, CIP-46-104.0, North Metro Interceptor Diversion 3A, for additional project contingency provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/26/2002, NR&C voted 3 to 1 to approve. (Councilmembers Wear, Frye, and Inzunza voted yea. Councilmember Madaffer voted nay. Councilmember Peters not present.)

CITY MANAGER SUPPORTING INFORMATION:

The North Metro Interceptor Diversion 3A project is currently under construction. This project is the final phase of a series of projects designed to divert significant flows away from the old North Metro Interceptor, a 96-inch diameter unlined reinforced concrete pipe built in the 1960s. When the flows are diverted, the original pipeline interior will be inspected, and repairs will be completed under a separate contract. As authorized by the City Council on November 27, 2000, Resolution R-294298, the City Manager executed a contract with Mitchell Pacific Contractors, Inc. in the amount of \$2,927,470 for construction of this project.

Additional funds are required to compensate the contractor for additional differing site conditions encountered in Friars Road. While drilling to set 23 shoring beams in a 64-foot section between station 0+25 and 0+89, buried rip-rap, rubble, steel debris and cement slurry was encountered in 17 of the borings. The same was encountered in 6 of 11 dewatering wells installed in the same vicinity. An extra level of effort was required to drill through this material, and in some instances, the borings had to be abandoned and relocated. As the excavation proceeded, this assorted material and debris had to be removed and disposed of as well. The existence of this material was not known during the design nor located during geotechnical explorations.

Change Order #4 in an amount not to exceed \$278,000 is required to compensate the contractor for this work.

The project is required to have an Industrial Waste Discharge Permit from the City for the disposal of water, extracted during construction dewatering, to the sewer system. Existing funds in the contract for this item are insufficient due to the volume of water encountered. Due to the site proximity to the river and water migrating in existing pipe trenches, an exceptionally large volume of ground water has been encountered and extracted.

Dewatering is expected to continue through the end of the project in August 2002 and total volume is estimated to reach 180,000,000 gallons. Dewatering discharge fees are due and payable to the Metropolitan Wastewater Department's Industrial Waste Program. The fees are based on volume and vary based on total suspended solids the discharge fee is a reimbursable contract item and additional funds are required to compensate the contractor. Change Order #6 in an amount not to exceed \$1,280,000 is required to compensate the contractor for these fees.

FISCAL IMPACT:

The total cost of Change Orders #4 and #6 is \$1,558,000. Additional project funds of \$1,278,000 are needed to fund this action. Funding is available from Fund 41508 CIP-46-104.0, North Metro Interceptor Diversion 3A.

Mendes/Tulloch/CAW

Aud. Cert. 2201246.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A393-424.)

MOTION BY WEAR TO CONTINUE TO MONDAY, AUGUST 5, 2002, AT THE REQUEST OF COUNCIL MEMBER MADAFFER, TO ALLOW MAYOR MURPHY AND COUNCIL MEMBER PETERS TO BE PRESENT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

* ITEM-106: Initiation of an Amendment to the Tierrasanta Community Plan.

(Tierrasanta Community Area. District-7.)

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-145) ADOPTED AS RESOLUTION R-296859

Initiating a Community Plan Amendment to delete specified circulation elements. Specifically, the road segments proposed to be deleted from the community plan are:

1. Tierrasanta Boulevard: Colina Dorado to Mission Gorge Road.
2. Clairemont Mesa Boulevard: Rueda Drive to Jackson Drive.
3. Jackson Drive: Mission Gorge Road to SR-52.
4. Santo Road: Patriot Street to Ambrosia Drive.

CITY MANAGER SUPPORTING INFORMATION:

The Transportation Element of the adopted Tierrasanta Community Plan proposes a circulation system intended to adequately accommodate the traffic generated by the Tierrasanta community and surrounding area upon buildout. The Element includes several street segments which have not been built to date, including portions of Santo Road, Tierrasanta Boulevard, Clairemont Mesa Boulevard, and Jackson Drive. The Tierrasanta Community Council supports removal of these segments from the Tierrasanta Community Plan in order to prevent increased through-traffic within the community which would likely be generated by the completion of these segments. Specifically, the road segments proposed to be deleted from the community plan are:

1. Tierrasanta Boulevard: Colina Dorado to Mission Gorge Road.
2. Clairemont Mesa Boulevard: Rueda Drive to Jackson Drive.
3. Jackson Drive: Mission Gorge Road to SR-52.
4. Santo Road: Patriot Street to Ambrosia Drive.

The amendment would also include the deletion of the bikeway from the Tierrasanta Boulevard terminus to Mission Gorge Road, and possibly other bikeways associated with the deleted road segments.

This action will authorize the City Manager to begin the land use plan amendment process. Specifically, City staff will be able to analyze the potential impacts of the proposed amendment

and prepare any required supporting documentation in accordance with Chapter 12, Article 2, Division 1 (Adoption and Amendment Procedures for Land Use Plans) of the Land Development Code.

Ewell/Faucett

FILE LOCATION: LAND - Tierrasanta (10)

COUNCIL ACTION: (Tape location: A425-480.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

* ITEM-107: Two actions related to Commercial Landscape Survey Program.

(See City Manager Report CMR-02-147 and Landscape Irrigation Estimate.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-70) ADOPTED AS RESOLUTION R-296860

Authorizing the City Manager to implement a commercial landscape survey program for the City of San Diego to provide voluntary water budgets and landscape.

Subitem-B: (R-2003-71) ADOPTED AS RESOLUTION R-296861

Authorizing the City Manager to execute a two-year agreement with the San Diego County Water Authority to jointly fund a commercial landscape survey program, under the terms and conditions set forth in the Memorandum of Understanding;

Authorizing the City Auditor and Comptroller to deposit funds received from the County Water Authority for the above program.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/26/2002, NR&C voted 5 to 0 to approve the City Manager's recommendation and direct staff to:

- A. Comprehensively review all related costs in upgrading the current computer system. Seek input from the Public Utilities Advisory Commission before reporting back to the Natural Resources and Culture (NR&C) Committee;
- B. Review the ability of the Water Resources Landscape Database system to analyze the use of pesticides, chemicals, and fertilizers;
- C. Provide an explanation of the current and possibly proposed discretionary landscape development permits before the item is heard before the full City Council.

(Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.)

FILE LOCATION: Subitems A & B: MEET

COUNCIL ACTION: (Tape location: A425-480.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

* ITEM-108: FY 2002 California Arts Council Exemplary Arts Education Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-105) ADOPTED AS RESOLUTION R-296862

Authorizing the City Manager to accept the CAC Exemplary Arts Education Program in the amount of \$20,000 for Fiscal Year 2002 and Fiscal Year 2003, and to implement related activities in partnership with the District;

Authorizing the City Auditor and Comptroller to expend the CAC grant in the amount of \$20,000.

CITY MANAGER SUPPORTING INFORMATION:

The California Arts Council (CAC) established the Exemplary Arts Education Program to fund exemplary (highest ranked) grantees that have established arts in education programs. The City of San Diego Commission for Arts and Culture (Commission) was invited to apply because it maintains the highest rank of "4" with the CAC, it has existing arts education programs funded

through the CAC and an established relationship with the San Diego Unified School District (District). The CAC's purpose for the EAEP is to fund the creation of programs that provided added value to the role arts education plays in the District's curriculum as well as methods for evaluating and documenting the funded project and its outcomes. The Commission's purpose for applying was to aid in fulfilling the role it plays in the San Diego Arts Education Partnership, a collaborative effort of the Commission, the District and San Diego's arts and culture community responsible for ensuring that high quality, curriculum-based arts education programs and services are offered to every student in the District.

The Commission was the lead applicant for the EAEP proposal that provides professional development workshops for District and local arts and culture organization staff members as well as evaluation of its outcomes and study of current research in the field through the creation of a Professional Development Cadre. The Cadre is composed of 16 individuals from the District, arts and culture and higher education communities who are learning to train others to teach in the arts using high quality professional development techniques in a dedicated setting.

The funded contract is effective from December 1, 2001 through December 30, 2002. It is in the amount of \$20,000. No matching funds are required. Funds will be used by the Commission during FYs' 2002 and 2003 to implement workshops and programs that fulfill the Commission's commitment to arts education in the schools while meeting the needs of the Partnership's and the CAC's funding program.

FISCAL IMPACT:

None.

Herring/Hamilton/VS

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A425-480.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

* ITEM-109: Installation of One-Way Conversion for Five Streets in Centre City.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-91) ADOPTED AS RESOLUTION R-296863

Declaring installation of one-way conversions for the following five streets, pursuant to authority conferred by and in accordance with the provisions of Section 82.19 of the San Diego Municipal Code:

1. Sixth Avenue, southbound operation, between Island Avenue and L Street.
2. Seventh Avenue, northbound operation, between Market Street and L Street.
3. Tenth Avenue, southbound operation, between Market Street and Park Boulevard.
4. Eleventh Avenue, northbound operation, between Market Street and Park Boulevard.
5. K Street, eastbound operation, between Sixth Avenue and Seventh Avenue.

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action is part of East Village Redevelopment and Ballpark General Plan.

This action is to install one-way conversion for Sixth Avenue, Seventh Avenue, Tenth Avenue, Eleventh Avenue and K Street.

- (1) Convert Sixth Avenue to a one-way street, southbound operation (between Island Avenue and L Street).
- (2) Convert Seventh Avenue to a one-way street, northbound operation (between Market Street and L Street).
- (3) Convert Tenth Avenue to a one-way street, southbound operation (between Market Street and Park Boulevard).
- (4) Convert Eleventh Avenue to a one-way street, northbound operation (between Market Street and Park Boulevard).
- (5) Convert K Street to a one-way street, eastbound operation (between Sixth Avenue and Seventh Avenue).

Council approval is required for designating a one-way street or alley, according to San Diego Municipal Code Section 82.19.

The proposed circulation pattern is consistent with the circulation in the rest of the Downtown. The Tenth Avenue/Eleventh Avenue couplet is in conformance with the Council-Certified Master Environmental Impact Report (MEIR) for the Ballpark and Ancillary Developments.

In addition, The Centre City Development Corporation (CCDC), in coordination with residents and the East Village area of Centre City are in support of the following changes. CCDC received input for these proposals at a number of widely advertised community meetings. The conversion of Sixth Avenue, Seventh Avenue, and K Street to one-way streets is supported by petitions received from the owners of more than 50% of the fronting properties, and also has the support of CCDC. The proposed circulation plan insures that access to business and properties is not adversely affected.

The City Manager recommends approval of this action.

FISCAL IMPACT:

None.

Loveland/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A425-480.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

ITEM-110: Two actions related to Authorizing Additional Expenditure for Alvarado Water Treatment Plant - Earl Thomas Reservoir Replacement.

(See memorandum from Mark Stone dated 5/9/2002. Navajo Community Area. District-7.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-2002-1526) CONTINUED TO MONDAY, AUGUST 5, 2002

Authorizing the City Manager to accept the second lowest bid and award a phase funded construction contract to C.E. Wylie Construction Company for the Earl Thomas Reservoir Replacement Project in the amount of \$25,511,000, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to execute Contract Change Order No. 1, in the amount of \$811,912, which transfers most of the cost of insuring the project from the City's Owner Controlled Insurance Program to C.E. Wylie Construction Company;

Authorizing the additional expenditure of an amount not to exceed \$2,950,895 from Water Fund No. 41500, CIP-73-261.4, Alvarado Water Treatment Plant - Earl Thomas Reservoir, and \$637,762 from Water Fund No. 41500, CIP-73-331.0, Water Pooled Contingency, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to execute Phase 2 of the agreement with Malcolm Pirnie, Inc. to provide engineering services for the Earl Thomas Reservoir Replacement in the amount of \$215,500;

Authorizing Funding Phase 1 (FY03) in the amount of \$2,916,971 from Water Fund No. 41500, CIP-73-261.4, Alvarado Water Treatment Plant - Earl Thomas Reservoir; and \$1,131,912 from Water Fund No. 41500, CIP-73-331.0, Water Pooled Contingency;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.

Subitem-B: (R-2002-1786 Cor. Copy) CONTINUED TO MONDAY, AUGUST 5,
2002

Declaring that the information contained in the EIR and Addendum to LDR-40-0259 (certified by Resolution R-295593, adopted on October 10, 2001), have been reviewed and considered by Council in connection with the Alvarado Water Treatment Plant - Earl Thomas Reservoir Replacement;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/15/2002, NR&C voted 4-0 to approve. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

The Earl Thomas Reservoir Replacement Project is integral to the Alvarado Water Treatment Plant Expansion and Improvement Project as defined in the Water Department's Capital Improvements Program and approved by City Council in August 1997.

The Reservoir Replacement Project consists of demolishing the existing 35 million gallon reservoir and replacing it with a 35 million gallon pre-stressed concrete clearwell. The new clearwell will meet all current structural and seismic criteria, improve the quality of the water produced, and provide the additional long term reliable storage required at Alvarado Water Treatment Plant. Construction is expected to begin in late 2002 and finish in late 2004. \$27,291,405 is the construction component of the total project cost which, including Contract Change Order No. 1, is now estimated at \$34,356,431.

The City's application for \$21,525,249 from the California Safe Drinking Water State Revolving Fund Loan Program has been approved by the California Department of Health Services (DHS) for this Project. Once authorized by Council and secured by contract with DHS, this money will be available to partially fund the Earl Thomas Reservoir Replacement Project.

This request for Council Action is required to augment the authorized budget to account for increased costs resulting from the verified low bid coming in 13.28% higher than the engineer's estimate, and the restructuring of the City's Owner Controlled Insurance Program (OCIP) which resulted in the need to process Contract Change Order No. 1 for \$811,912.

The first apparent low bidder (Nielsen Dillingham Builders Inc. at \$25,358,732) was rejected by the City, on the recommendation of EOC, because they did not meet the bidding specifications. The next lowest bidder (C.W. Wylie Construction Co. at \$25,511,000) has been verified by the City as acceptable for the award.

FISCAL IMPACT:

The total cost of this project is \$34,354,488 of which \$30,765,831 was previously authorized. Funding for Phase I is available in FY2003, from Water Fund 41500, CIP-73- 261.4, Alvarado Water Treatment Plant - Earl Thomas Reservoir.

Mendes/Gardner/JOP

Aud. Certs. 23000004, 23000006, 23000007.

FILE LOCATION: Subitems A & B: NONE

COUNCIL ACTION: (Tape location: A393-424.)

MOTION BY WEAR TO CONTINUE TO MONDAY, AUGUST 5, 2002, AT THE REQUEST OF COUNCIL MEMBER MADAFFER, TO ALLOW MAYOR MURPHY AND COUNCIL MEMBER PETERS TO BE PRESENT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

* ITEM-111: Grant Application for California Heritage Fund Grant Program - Balboa Park - West Arcade Restoration Project - Phase I.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-161) ADOPTED AS RESOLUTION R-296864

Authorizing the City Manager to apply to the California Department of Parks and Recreation for a grant for funding from the California Heritage Fund Program for the Balboa Park West Arcade Restoration Project;

Authorizing the City Manager to take all necessary actions to secure and accept grant funds from the California Department of Parks and Recreation for the Balboa Park West Arcade Restoration Project including entering into a grant funding agreement for the project;

Certifying that the Council understands the assurances and certification contained in the Application form, including the following:

- a. That all architectural plans and specifications used as the basis for construction work on the Balboa Park West Arcade Restoration Project-Phase I, will be prepared and approved by a professionally qualified restoration architect in conformance with the Secretary of the Interior's Standards for Archeology and Historic Preservation, and the California Historic Building Code.

- b. That the City of San Diego owns the property on which the project will be restored.
- c. That the City of San Diego has or will have sufficient funds to operate and maintain the project.
- d. That the City of San Diego shall begin the CEQA compliance process, if applicable, within 60 days after full execution of the grant contract and shall complete and comply with all CEQA requirements, if applicable, prior to release of the grant funds.
- e. That Phase I of the Project does not anticipate the preparation of any archeological investigations, studies, or reports, but that if any are prepared, they will be professionally prepared and approved by a qualified archeologist in conformance with the Secretary of the Interior's Standards for Archeology and Historic Preservation;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend the grant funds, if secured, in accordance with the terms and conditions set forth in the grant funding agreement;

Authorizing the City Auditor and Comptroller to establish special interest-bearing fund for the grant, if secured.

CITY MANAGER SUPPORTING INFORMATION:

The State of California, Department of Parks and Recreation, Office of Historic Preservation administers the California Heritage Fund Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000. The intent of this program is to provide grant funding to historic and archeological preservation projects including acquisition, development (rehabilitation and restoration), and interpretation projects in California.

This action authorizes the City Manager to submit a grant request to the State of California, Office of Historic Preservation for the restoration and reconstruction of the Balboa Park - West Arcade - Phase I. Once funded, the project will fund the construction of the West Arcade. The West Arcade project is the last section of the Prado arcades to be restored and reconstructed. The Committee of 100, a non-profit organization formed in 1967 to save the remnants of the Spanish Colonial architecture in the Park, will contribute \$250,000 in matching funds to the project.

The Balboa Park - West Arcade project will be constructed in two phases. Phase I will construct the arcade including the arches, electrical, and minimal landscaping. Phase II includes the historic Spanish Colonial ornamentation and landscaping. The Committee of 100 will continue to raise funds for the completion of Phase II.

FISCAL IMPACT:

If the grant is secured, the City will receive up to \$300,000 from the State of California, Office of Historic Preservation. The minimum required match for the grant is 50 percent of the total project cost. Total project costs for Phase I are estimated to be \$900,000. Funds committed to Phase I in addition to the \$300,000 California Heritage Fund include: Committee of 100, \$250,000; Balboa Park Arcade Capital Improvement Project, \$50,000; Council District 3 Deferred Maintenance/Matching Funds, \$100,000; and Park and Recreation Department Grant Match Funds \$200,000. A subsequent Council action will be required to authorize appropriation and expenditure of these funds within CIP-21-855.0, Balboa Park Arcade, contingent upon grant approval.

Herring/Oppenheim/CH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A425-480.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

* ITEM-112: Athletic Field Improvements at De Portola Middle School in Tierrasanta.

(Tierrasanta Community Area. District-7.)

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-141) ADOPTED AS RESOLUTION R-296865

Authorizing the City Auditor and Comptroller to allocate and transfer \$16,000 from Council District 7's portion of the Infrastructure Improvement Fund (Fund 10529) to the Tierrasanta Little League for athletic field improvements at De Portola Middle School in Tierrasanta;

Authorizing the City Manager to enter into an agreement with the Tierrasanta Little League, and to donate said funds to assist in their athletic field improvement project;

Directing the City Manager to incorporate into the agreement with the Tierrasanta Little League that there be no ongoing fiscal impact to the City to improve or maintain the improvements. The Tierrasanta Maintenance Assessment District, which maintains the fields currently, will absorb into their budget the cost of maintenance with no additional assessment to residents.

Aud. Cert. 2300034.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A425-480.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

ITEM-113: Reinvestment Task Force Annual Report on Lender Performance.

(See Housing Commission Report HCR-02-064.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-128) CONTINUED TO MONDAY, AUGUST 5, 2002

Accepting the City-County Reinvestment Task Force's Lender Performance Report pursuant to the City's Community Reinvestment Master Plan (Council Policy 900-9).

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A393-424.)

MOTION BY WEAR TO CONTINUE TO MONDAY, AUGUST 5, 2002, AT THE REQUEST OF DEPUTY MAYOR STEVENS, TO ALLOW MAYOR MURPHY AND COUNCIL MEMBER PETERS TO BE PRESENT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

* ITEM-114: Four actions related to Maintenance Assessment District Annual Levy Approvals.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-73) ADOPTED AS AMENDED AS RESOLUTION R-296866

Resolution to levy and collect Fiscal Year 2003 annual assessments on the following Maintenance Assessment Districts previously reviewed and approved in the City Budget Review Process on June 10, 2002 and June 17, 2002:

1. Adams Avenue - **M-377-03 (34)**
2. Bay Terraces - **M-407-03 (34)**
3. Calle Cristobal - **M-405-03 (34)**
4. Campus Point - **M-392-03 (34)**
5. Carmel Mountain Ranch - **M-361-03 (34)**
6. Carmel Valley - **M-393-03 (34)**
7. Carmel Valley Neighborhood #10 - **M-414-03 (34)**
8. Central Commercial - **M-421-03 (34)**
9. Coral Gate - **M-412-03 (34)**
10. Coronado View - **M-387-03 (34)**
11. Eastgate Technology Park - **M-395-03 (34)**
12. Webster-Federal Boulevard - **M-375-03 (34)**
13. First San Diego River Improvement Project - **M-381-03 (34)**
14. Gateway Center East - **M-380-03 (34)**
15. Kings Row - **M-383-2-03 (34)**
16. La Jolla Village Drive - **M-397-03 (34)**
17. Linda Vista Road - **M-363-03 (34)**
18. Little Italy - **M-422-03 (34)**
19. Mid-City - **M-388-03 (34)**

20. Mira Mesa - **M-404-03 (34)**
21. Miramar Ranch North - **M-385-03 (34)**
22. Mission Boulevard - **M-398-03 (34)**
23. Newport Avenue - **M-496-03 (34)**
24. North Park - **M-413-03 (34)**
25. Northwest Otay Mesa - **M-416-03 (34)**
26. Otay International Center - **M-399-03 (34)**
27. Park Village - **M-384-03 (34)**
28. Penasquitos East - **M-389-03 (34)**
29. Rancho Bernardo - **M-400-03 (34)**
30. Sabre Springs - **M-401-03 (34)**
31. San Diego Street Lighting District #1 - **M-390-03 (34)**
32. Scripps-Miramar Ranch - **M-356-03 (34)**
33. Sorrento Hills - **M-408-03 (34)**
34. Stonecrest Village - **M-411-03 (34)**
35. Talmadge - **M-419-03 (34)**
36. Tierrasanta Open Space - **M-403-03 (34)**
37. Washington Street - **M-410-03 (34)**

Subitem-B: (R-2003-74) ADOPTED AS RESOLUTION R-296867

Approving the City Engineer's reports submitted in connection with the Maintenance Assessment Districts for Fiscal Year 2003.

Subitem-C: (R-2003-75) ADOPTED AS RESOLUTION R-296868

Authorizing the City Manager to execute an agreement with Adams Avenue Business Association, for administration of Contracts for Goods and Contracts for Services for the Adams Avenue Maintenance Assessment District for a period of one year in accordance with San Diego Municipal Code section 65.0212, under the terms and conditions set forth in the Agreement.

Subitem-D: (R-2003-76) ADOPTED AS RESOLUTION R-296869

Authorizing the City Manager to execute an agreement with Ocean Beach Mainstreet Association, for administration of Contracts for Goods and Contracts for Services for the Newport Avenue Maintenance Assessment District for a period of one year in accordance with San Diego Municipal Code section 65.0212, under the terms and conditions set forth in the Agreement.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2003 assessments for 37 of the City's Maintenance Assessment Districts (MADs) and authorizes the Adams Avenue Business Association to manage the Adams Avenue MAD in FY 2003 and the Ocean Beach Mainstreet Association to manage the Newport Avenue MAD in FY 2003. Maintenance Assessment Districts are authorized by state law to assess benefitting property owners for maintenance and other service activities.

These activities include maintenance of landscaped and paved medians, landscaped right-of-ways and slopes, open space, mini-parks, community parks, ponds, flood control channels, monuments, decorative street lighting, decorative gates, signage, banners, as well as cleaning of curbs and gutters, sweeping sidewalks, provisions of security services, and monitoring. There are currently 37 active MADs in San Diego.

State law requires that the City Council annually approve each MAD's assessment levy and Engineer's Report. The action being taken today will allow the levy to be placed on the Count Property Tax roll and meet the legal requirements to provide the maintenance and other services to each MAD as described in the Engineer's Reports.

The following is a list of Maintenance Assessment District levys previously reviewed and approved in the City's Budget review process on June 10, 2002 and June 17, 2002 and as supported by the Engineer's Reports for FY 2003:

1. Adams Avenue MAD levy of \$32,273
2. Bay Terraces MAD levy of \$30,248⁽¹⁾
3. Calle Cristobal MAD levy of \$159,675
4. Campus Point MAD levy of \$24,769
5. Carmel Mountain Ranch MAD levy of \$263,363
6. Carmel Valley MAD levy of \$1,369,979
7. Carmel Valley Neighborhood #10 MAD levy of \$0⁽²⁾
8. Central Commercial MAD levy of \$216,806
9. Coral Gate MAD levy of \$57,436
10. Coronado View MAD levy of \$18,757
11. Eastgate Technology Park MAD levy of \$121,777
12. Webster-Federal Boulevard MAD levy of \$18,721
13. First San Diego River Improvement Project MAD levy of \$169,938⁽¹⁾
14. Gateway Center East MAD levy of \$147,884
15. Kings Row MAD levy of \$5,956

16. La Jolla Village Drive MAD levy of \$0⁽²⁾
17. Linda Vista Road MAD levy of \$91,889⁽¹⁾
18. Little Italy MAD levy of \$280,007
19. Mid-City MAD levy of \$313,365
20. Mira Mesa MAD levy of \$314,325
21. Miramar Ranch North MAD levy of \$646,858⁽¹⁾
22. Mission Boulevard MAD levy of \$45,215
23. Newport Avenue MAD levy of \$39,380
24. North Park MAD levy of \$309,188
25. Northwest Otay Mesa MAD levy of \$206,265
26. Otay International Center MAD levy of \$308,950
27. Park Village MAD levy of \$145,996
28. Penasquitos East MAD levy of \$184,326
29. Rancho Bernardo MAD levy of \$163,562
30. Sabre Springs MAD levy of \$80,166
31. San Diego Street Lighting District #1 MAD levy of \$275,015
32. Scripps-Miramar Ranch MAD levy of \$529,443⁽¹⁾
33. Sorrento Hills MAD levy of \$0⁽²⁾
34. Stonecrest Village MAD levy of \$252,099
35. Talmadge MAD levy of \$128,102
36. Tierrasanta Open Space MAD levy of \$500,384
37. Washington Street MAD levy of \$35,965

⁽¹⁾ MADs being balloted for a rate increase at a later date. Results of ballot may change the approved levy for FY 2003.

⁽²⁾ Due to a large fund balance in the MAD at year end, a levy will not be assessed for FY 2003.

Attached are the Engineer's Reports for all the above MADs with the exception of those preliminarily approved by Council on the MADs ⁽¹⁾ which will be given final approval after ballot results have been presented to Council at a later date.

Also, attached are agreements with Adams Avenue Association and Ocean Beach Mainstreet Association to do self-administration.

FISCAL IMPACT: None.

Herring/Oppenheim/SY

FILE LOCATION:

**Subitem A & B: STRT - See Specific District Listed
Above for File Location;**

Subitem C: STRT-M-377-03 (34)

Subitem D: STRT-M-496-03 (34)

COUNCIL ACTION: (Tape location: A425-480.)

CONSENT MOTION BY WEAR TO ADOPT THE RESOLUTIONS WITH THE AMENDMENT BY THE CITY MANAGER TO AMEND THE TIERRASANTA ASSESSMENT FROM \$500,384 TO \$518,460. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

* ITEM-115: Canyon Rim Literacy Center Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-125) ADOPTED AS RESOLUTION R-296870

Declaring Friday, July 26, 2002 as "Canyon Rim Literacy Center Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A425-480.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

* ITEM-116: Clean and Safe Program Day.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-170) ADOPTED AS RESOLUTION R-296871

Proclaiming July 30, 2002 to be "The Clean and Safe Program Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A425-480.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

* ITEM-117: Approval of Banner Placement by the Rancho Peñasquitos Town Council.

(Rancho Peñasquitos Community Area. District-1.)

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-87) ADOPTED AS RESOLUTION R-296872

Installing banners in accordance with San Diego Municipal Code Section 142.1210 on the following streets in Rancho Peñasquitos: Rancho Peñasquitos Boulevard, Black Mountain Road, Carmel Mountain Road, and Paseo Montalban;

Declaring that the Rancho Peñasquitos Town Council shall maintain the banners and all associated equipment within the public right-of-way, and shall secure all necessary approvals from the City of San Diego prior to the installation of banners.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A425-480.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

* ITEM-118: Excusing Councilmember Scott Peters from Council Meeting of July 8, 2002.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-153) ADOPTED AS RESOLUTION R-296873

Excusing Councilmember Peters from attending the regularly scheduled Council Meeting of July 8, 2002.

SUPPORTING INFORMATION:

Councilmember Peters was not able to attend due to a Coastal Commission meeting in Huntington Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A425-480.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

ITEM-119: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-129) TRAILED TO TUESDAY, JULY 30, 2002

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER'S SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A393-424.)

* ITEM-120: Development of a Camping Facility for Victims of Family Related Violence.

(See City Attorney Report dated July 12, 2002; letter from James Varnadore date 7/08/2002.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-184) ADOPTED AS RESOLUTION R-296874

Authorizing the City Manager to execute, for and on behalf of the City of San Diego, a lease agreement with limited use rights and subsequent term subject to full environmental review, with the San Diego Center for Children, a non-profit corporation, for the potential development of a camping facility for victims of family-related violence, for approximately 12.83 acres of City-owned property located near Lake Sutherland, at an initial annual rent of \$500.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/17/2002, NR&C voted 5-0 to approve and forward to the full City Council a favorable recommendation to develop and establish a camp at Lake Sutherland. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

FILE LOCATION: LEAS - San Diego Center for Children

COUNCIL ACTION: (Tape location: A425-480.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

* ITEM-121: Conflict of Interest Code for the Mayor's Task Force on Chargers Issues.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-186) ADOPTED AS RESOLUTION R-296875

Adopting the newly created Conflict of Interest Code for the Mayor's Task Force on Chargers Issues.

SUPPORTING INFORMATION:

On June 18, 2002, the City Council adopted a resolution establishing the Mayor's Task Force on Chargers Issues. Section 26.0412 requires that a Conflict of Interest Code be adopted by the City Council for the members and staff of the Mayor's Task Force on Chargers Issues. The Conflict of Interest Code consists of standard terms from the California Code of regulations, Title 2, Section 18730, Appendix A, showing designated positions and their duties; and Appendix B, showing disclosure categories for the designated positions.

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Tape location: A425-480.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

ITEM-150: November 2002 Ballot Proposal: Public Safety and Neighborhood Services Committee's Proposed Revisions to City Charter Section 94.

(See memorandum from Stacey Stevenson dated 6/26/2002; memorandum from City Attorney dated 5/24/2002; and letter from Bradford E. Barnum dated 7/09/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-185) RETURNED TO THE CITIZEN'S EQUAL
OPPORTUNITY COMMISSION

Directing the City Attorney to prepare an ordinance containing the required ballot language for placing the language on the November 2002 ballot.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 7/10/2002, RULES voted 5 to 0 to move the item to the full City Council without a recommendation (because time did not permit discussion at this meeting.) (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C340-494.)

MOTION BY ATKINS TO RETURN TO THE CITIZENS EQUAL OPPORTUNITY COMMISSION. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

ITEM-200: First Public Hearing - Annual Appropriation Ordinance for the Fiscal Year 2002-2003.

CITY MANAGER'S RECOMMENDATION:

Hold the first public hearing of the following ordinance:

(O-2003-23) HEARING HELD

First public hearing of an Ordinance adopting the Annual Budget for the Fiscal Year 2002-2003 and appropriating the necessary money to operate the City of San Diego for said Fiscal Year.

NOTE: Today's action is the first public hearing. See Item 334 on the docket of Tuesday, July 30, 2002 for the second public hearing and introduction and adoption of the Ordinance.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C499-C575.)

ITEM-201: Nomination to the Centre City Development Corporation (CCDC) Board of Directors.

(See memorandum from Mayor Murphy dated June 28, 2002 with resume attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-86) ADOPTED AS RESOLUTION R-296876

Nominating for election to the Centre City Development Corporation Board of Directors:

NOMINEE

NOMINATED BY

Jennifer LeSar
(Replacing Peter Q. Davis,
who has resigned)

Mayor Murphy

Declaring that after full and complete public discussion and deliberation, Jennifer LeSar is elected to the Centre City Development Corporation Board of Directors, for a term ending May 1, 2003, to replace Peter Q. Davis, who has resigned.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B199-239.)

MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-not present, Wear-yea, Atkins-not present, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

ITEM-202: Support for Tax-Exempt IDB Financing for Multiple Peptide Systems.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1798) ADOPTED AS RESOLUTION R-296877

Finding and determining that the Multiple Peptide Systems Project is not substantively inconsistent with the City's general plan as prepared and adopted in accordance with Article 5 (commencing with Section 65300 of the Government Code of the State of California) of Chapter 3 of Title 7;

Approving the issuance of the Bonds by the California Statewide Communities Development Authority, for the purposes of:

1. Section 147(f) of the Code by the applicable elected representative of the government unit having jurisdiction over the area in which the Project is to be located, in accordance with said Section 147(f) of the Code;
2. Section 9 of the Agreement; provided, however, that the adoption of the resolution by the City Council shall not:
 - a. create any liability on the part of the City, or
 - b. Constitute a waiver or relinquishment of any of its rights relating to land use approvals, permits or requirements necessary for the Project or jeopardize the City Council's appellate authority concerning any land use permits for the Project;

Authorizing and directing the officers of the City, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of the resolution and the financing transaction approved hereby.

CITY MANAGER SUPPORTING INFORMATION:

The City Council is requested to hold a Tax Equity Fiscal Responsibility Act (TEFRA) hearing and adopt a resolution supporting issuance of tax-exempt conduit revenue private activity bonds by the California Statewide Communities Development Authority Joint Powers Agency (CSCDA) on behalf of the Applicant in order for it to receive the private activity bond volume cap allocation from the State Treasurer's office needed to achieve tax-exempt status. CSCDA has previously issued conduit bonds for many other growing San Diego businesses' capital expansion projects and the City has previously held related TEFRA hearings.

The subject small-issue manufacturing Industrial Development Bonds (IDB's) will finance capital improvements to the applicant's 45,000 square-foot research grade and pharmaceutical grade synthetic peptides speciality chemicals manufacturing facility at 9395 Cabot Drive in the Mira Mesa community.

With the adoption of a City Council resolution supporting this CSCDA IDB financing, the Applicant will gain access to low-cost, tax-exempt financing at no cost or risk to the City, thus retaining 38 jobs and creating (in addition to temporary construction jobs) approximately 40 new permanent jobs.

FISCAL IMPACT:

Based on the proposed financing amount of up to \$6 million, origination fees totaling \$15,000 would be paid into the City's IDB Administrative Expense Fund (10240).

Herring/Cunningham/MAS

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C576-591.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-not present.

ITEM-203 Six actions related to Pre-Qualification Program and Modifications to Ordinances and Council Policies Related to Contracts.

(See City Manager Report CMR-02-169.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinances in Subitems B, D and E and adopt the resolutions in Subitems A, C and F:

Subitem-A: (R-2003-173 Cor.Copy) ADOPTED AS RESOLUTION R-296878,
WITH DIRECTIONS

Adoption of a Resolution authorizing the City Manager to implement a One-Year Pre-Qualification Pilot Program.

Subitem-B: (O-2002-132) INTRODUCED, TO BE ADOPTED MONDAY,
SEPTEMBER 3, 2002

Introduction of an Ordinance amending Chapter 2, Article 2, Division 8, of the San Diego Municipal Code by repealing Sections 22.0801, 22.0802, 22.0803, 22.0804, 22.0805, 22.0806, 22.0807, 22.0808, and 22.0809; and B Creating New

FILE LOCATION: Subitems A, C, F: MEET
Subitems B, D, E: NONE

COUNCIL ACTION: (Tape location: A488-B198; B241-C339.)

MOTION BY ATKINS TO INTRODUCE THE ORDINANCES AND ADOPT THE RESOLUTIONS, APPROVING THE CITY MANAGER'S RECOMMENDATION, WITH THE FOLLOWING DIRECTIONS AS REFERENCED IN HER MEMORANDUM TO THE MAYOR AND COUNCIL DATED JULY 29, 2002:

1. DIRECT STAFF TO TAKE A MORE REFINED LOOK AT THE PROPOSED NEW INCOME CAPS FOR THE MINOR CONTRACTING PROGRAM. I SHARE CONCERNS THAT THEY HAVE BEEN RAISED TOO HIGH, SO THAT THEY MAY INCLUDE STRONG, ESTABLISHED FIRMS IN THE "SMALL BUSINESS" CATEGORY. I TRUST THAT IF THE MANAGER WERE TO CONSULT WITH THE INDIVIDUAL TRADES THAT TOGETHER THEY COULD AGREE ON SLIGHTLY LOWER INCOME THRESHOLDS THAN PROPOSED--AND I ASK THAT THEY DO SO.
2. PREQUALIFICATION IS PROPOSED AS AN ANNUAL RE-CERTIFICATION. IF THE ONE-YEAR PILOT IS SUCCESSFUL, THEN WE WOULD WANT TO SEE THAT THE PERMANENT PROGRAM INCLUDES A METHOD BY WHICH THE BEST PERFORMING CONTRACTORS COULD BE RE-QUALIFIED VIA A SHORT FORM. THERE OUGHT TO BE A REWARD ONCE SOMEONE HAS CLEARLY DEMONSTRATED A GOOD TRACK RECORD.
3. IN A SIMILAR VEIN, I WOULD LIKE TO SEE THE CITY MANAGER DEVELOP A MEANS BY WHICH GOOD PERFORMING CONTRACTORS MIGHT USE PREQUALIFICATION TO REDUCE THEIR PAPERWORK BURDEN ON SUBSEQUENT SCOPE REPORTS. AGAIN, WE NEED TO LOOK AT REWARDING GOOD BEHAVIOR BY LOWERING REGULATORY BARRIERS IN A RESPONSIBLE MANNER.
4. AT THE NEXT REPORT ON THE SCOPE PROGRAM AT PS&NS, I RECOMMEND EXPLORING HOW WE CAN RETHINK OUR BASIC APPROACH TO THIS PROGRAM. CAN WE GIVE CREDIT OR POINTS IN THE BIDDING PROCESS TO THOSE FIRMS WHO DEMONSTRATE EFFECTIVE OUTREACH AND PARTICIPATION INSTEAD OF SIMPLY FORCING EVERYONE TO DOCUMENT THEIR EFFORTS. THE ATTORNEY WOULD CLEARLY HAVE TO HAVE A ROLL IN THAT DISCUSSION.

5. ACCEPT COUNCIL MEMBER MADAFFER'S AMENDMENT TO REQUEST THAT THE CITY MANAGER UNDERTAKE A COMPREHENSIVE ANALYSIS OF THE INSTITUTIONAL STRUCTURE OF OUR CONSTRUCTION PROCUREMENT PROCESS, FROM DESIGN AND ESTIMATING TO CONTRACTING AND CONSTRUCTION OVERSIGHT AND REPORT BACK TO COUNCIL WITH SUGGESTIONS FOR IMPROVING THIS PROCESS.

REQUEST THAT STAFF, AS PART OF THE EVALUATION PROCESS IN THE PREQUALIFICATION AND EVALUATION OF CONTRACTORS, SOMEHOW TRY TO FIND A WAY TO INCLUDE AN ANALYSIS OF THEIR RESPONSIBILITY IN PAYING THE SUBS. IN ADDITION, FIND A WAY TO INCLUDE, AS PART OF THE EVALUATION PROCESS AND IN THE DOCUMENTATION THAT WE KEEP, THE ACCOUNTABILITY, RESPONSIBILITY, CREDIBILITY AND CONFIDENCE OF THE CONTRACTOR.

Second by Madaffer. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 5, 2002 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	5/24/02	165	Last Date (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee

Wednesday	6/05/02	153	Rules Committee review of ballot proposals
Monday	7/01/02	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	7/01/02	127	Council adopts propositions for ballot;
	Through	to	directs City Attorney to prepare
Monday	7/22/02	106	ordinances
Monday	7/29/02	99	Council adopts ordinances prepared by City Attorney
Friday	8/09/02	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/22/02	75	Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, 533-4025.

ITEM-251:

ARGUMENTS SUPPORTING OR OPPOSING PROPOSITIONS

For propositions approved by the Council for submittal to the qualified voters of the City of San Diego at the General Municipal Election to be held on Tuesday, November 5, 2002, the City Clerk has fixed 5:00 p.m. on Thursday, August 22, 2002, as a reasonable date prior to such election after which no arguments for or against City propositions may be submitted to the Clerk.

Any argument for or against any City proposition shall not exceed 300 words in length and may be filed by the Council, or any member or members of the Council authorized by the Council, or the bona fide sponsors or proponents of the measure, or any bona fide association of citizens or individual voter, or any combination of voters and associations.

All arguments must be accompanied by a statement signed by each author that the argument is true and correct to the best of his/her knowledge and belief. (Forms for this statement are available in the Office of the City Clerk.)

An argument shall not be accepted unless accompanied by the name or names of the person or persons submitting it, or if submitted on behalf of an organization, the name of the organization and

the name of at least one of its principal officers. No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

Arguments may be changed or withdrawn by their proponents until and including the date fixed by the City Clerk.

Arguments shall be submitted to the City Clerk at the Office of the City Clerk, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, California, 92101.

- * ITEM-S400: Payment Authorization of Employee Retirement Contribution Offsets and Retiree Health Insurance.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-193) ADOPTED AS RESOLUTION R-296881

Authorizing payment of increased retirement contribution offsets for SDCERS members (police, fire, and lifeguards) from 7.3% to 9.0%, effective July 6, 2002, from the System's Employee Contribution Reserve;

Authorizing the payment of maximum amounts to be paid on behalf of, or reimbursed to, a Health Eligible Retiree for retiree-only Medicare eligible or non-Medicare eligible health insurance premiums, for coverage effective August 1, 2002, be based on the premium for the City-sponsored PPO plan for Fiscal Year (FY) 2003 and adjusted annually thereafter based on the Centers for Medicare & Medicaid Services, Office of the Actuary, projected increase for National Health Expenditures for the full year period ending in the January preceding the start of the new plan year, with such adjustment not to exceed 10% for any given year;

Authorizing reimbursement of maximum amount of monies to Health Eligible Retirees to 100% of such Medicare-eligible or non-Medicare eligible retiree-only premium, with base monthly maximums for FY 2003 of \$489.16 for non-Medicare eligible retirees and \$460.67 for Medicare eligible retirees;

Authorizing the City Auditor and Comptroller to pay the benefits as provided above;

Authorizing the City and the Retirement Board to prepare the necessary ordinances at their earliest practical convenience.

CITY MANAGER SUPPORTING INFORMATION:

The Management Team of the City of San Diego has met and conferred with the Police Officers Association (POA), Local 145 (firefighters), Local 127, AFSCME, AFL-CIO, and the Municipal Employees Association (MEA) regarding retirement offset and to establish maximum amounts to be paid on behalf of, or reimbursed to, health eligible retirees. These changes will be administered by the City Employees Retirement System Board of Administration (SDCERS).

A Municipal Code amendment will be forthcoming to codify these changes. The attached Resolution implements Council direction resulting from these negotiations as follows:

Retirement Offset: Authorize the payment of increased retirement contribution offset for SDCERS members (police, fire & lifeguards) from 7.3% to 9.0%, effective July 6, 2002, from the SDCERS Employee Contribution Reserve.

Health Eligible Retirees Reimbursement or Payment: Authorize the payment of maximum amounts to be paid on behalf of, or reimbursed to, a Health Eligible Retiree for retiree-only Medicare eligible or non-Medicare eligible health insurance premiums based on the premium for the City-sponsored PPO plan for Fiscal Year 2003 and annually adjusted thereafter based on the Centers for Medicare & Medicaid Services, Office of the Actuary, projected increase for National Health Expenditures for the full year period ending in the January preceding the start of the new plan year; such adjustment shall not exceed 10% for any given year. The maximum amount of monies reimbursed to Health Eligible Retirees will be 100% of such Medicare-eligible or non-Medicare eligible retiree-only premium. Pursuant to this provision the base monthly maximums are established for FY 2003 as follows:

- a) For Non-Medicare eligible retirees: \$489.16;
- b) For Medicare eligible retirees: \$460.67.

Ewell/Kelley

Aud. Cert. 2300105.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A425-480.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

ITEM-S401: Two actions related to First San Diego River Improvement Project Maintenance Assessment District.

(Continued from the meeting of 7/23/02, Item 330, at the request of Council member Frye, to allow staff to meet with property owners to discuss their issues. Objective is to get property owners to understand their legal obligation to ensure that the San Diego River is dredged to maintain its flood control capacity.)

NOTE: Hearing Open. No public testimony taken on 7/23/02.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1575) CONTINUED TO MONDAY, AUGUST 5, 2002

Considering the protests, approving modified map, confirming the assessments, ordering the proposed maintenance, and approving the Assessment Engineer's Report in the matter of the First San Diego River Improvement Project Maintenance Assessment District.

Subitem-B: (R-2002-1622) CONTINUED TO MONDAY, AUGUST 5, 2002

Approving Fiscal Year 2003 Budget for the First San Diego River Improvement Project Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action will increase the Fiscal Year 2003 assessments for First San Diego River Improvement Project Maintenance Assessment District (District). The District was established in 1987 to provide maintenance for the San Diego River earthen flood control channel, eight river islands inside the channel zone, and an approximately 20 foot wide buffer zone running along and adjacent to the channel embankments. District maintenance includes dredging to maintain the flow capacity of the river, revegetation, wildlife monitoring and reporting, landscaping, restoration of embankment erosion and trash removal. By ballot in 1998 the property owners capped their savings for a dredging reserve at \$440,000.

Last year the City's Engineering department reported the flood control channel will require dredging in certain areas of the channel where sedimentation has built up beyond acceptable limits. The City staff has met throughout the year with the First San Diego River Improvement Project Maintenance Assessment District Committee (Committee) discussing the dredging requirements and the need to increase the funding through an assessment increase. The Committee approved processing a ballot protest proceeding to request the District property owners approving the increase and the proposed budget for FY 2003 on April 24, 2002.

		Est. Year End		
<u>DESCRIPTION</u>		<u>FY 2002</u>	<u>FY 2003</u>	
BEGINNING BALANCE		\$ 590,328.00	\$ 552,972.00	
OPERATING REVENUE:				
Assessments		\$ 162,518.00	\$1,536,752.00	
Interest		<u>27,102.00</u>	<u>27,000.00</u>	
TOTAL REVENUE		\$ 189,620.00	\$1,563,752.00	
OPERATING EXPENSE:				
Personnel		\$ 42,966.00	\$ 45,418.00	
Contractual		100,000.00	1,825,750.00	
Incidental		39,933.00	60,393.00	
Utilities		<u>44,850.00</u>	<u>45,184.00</u>	
TOTAL EXPENSE		\$ 227,749.00	\$1,976,745.00	
Ending Balance				
(Operating Reserve):		\$ 112,199.00	\$ 139,979.00	
Continuing Appropriation				
(Dredging Reserve):		\$ 425,000.00	\$ 0.00	
Zone	<u>FY 02 Assessment</u>	<u>FY 03 Assessment</u>	<u>Increase in Assessment</u>	<u>Equivalent</u>
	<u>Per Benefit Area</u>	<u>Per Benefit Area</u>	<u>from Fiscal Year 2001</u>	<u>Benefit Area</u>
Aesthetics				
Zone 1	\$441.36	\$827.36	\$386.00 (87.5%)	113.01
Aesthetics				
Zone 2	\$220.68	\$413.68	\$193.00 (87.5%)	72.20
Flood Control	\$4,275.34	\$72,353.88	\$68,078.54 (1,592%)	19.12

The maximum authorized Aesthetics assessment is \$830.80/EBA in Zone 1, \$415.40/EBA in Zone 2 and Flood Control assessment is \$15,923.15/EBA indexed annually by the San Diego CPI-U.

FISCAL IMPACT:

All costs are assessed to the District.

Herring/Medina/SY

FILE LOCATION: Subitems A & B: STRT-M-381-03 (34)

COUNCIL ACTION: (Tape location: C592-669.)

Hearing began at 4:25 p.m. and halted at 4:26 p.m.

MOTION BY FRYE TO OPEN AND CLOSE THE HEARING, DIRECT STAFF TO TABULATE THE VOTES AND CONTINUE TO MONDAY, AUGUST 5, 2002. Second by Wear. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-not present.

ITEM-S402: Two actions related to Bay Terraces (Zone 1) Maintenance Assessment District.

(Continued from the meeting of 7/23/02, Item 331, at the City Manager's request, to allow staff to tabulate the ballots.)

NOTE: Hearing opened and closed on 7/23/02.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1545) ADOPTED AS RESOLUTION R-296882

Considering the protests, approving modified map, confirming the assessments, ordering the proposed maintenance, and approving the Assessment Engineer's Report in the matter of Zone 1 of the Bay Terraces Maintenance Assessment District.

Subitem-B: (R-2002-1543) ADOPTED AS RESOLUTION R-296883

Approving Fiscal Year 2003 Budget for Zone 1 of the Bay Terraces Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action will increase the Fiscal Year 2003 assessments for Bay Terraces (Zone 1) Maintenance Assessment District (District). The District was established on December 1982. It currently

provides maintenance of the dedicated open space areas which contains trees, turf and walking trails. Zone 1 is located just north of Highway 54 in the Paradise Hills community. In FY 2003 the District will maintain 2.01 acres of dedicated open space which includes collection and disposal of fallen branches/trees, tree/shrub trimming, trail maintenance, weeding, and fertilizing. For the last few years, the District has been over-spending its income, and financing the maintenance of its current service level by spending down its reserve.

On April 6, 2002, the property owners representing Bay Terraces (Zone 1) Maintenance Assessment District approved going to a ballot of the Zone 1 property owners to: 1) raise the annual assessment per Equivalent Benefit Unit (EBU) from \$65.92 to \$89.92 in FY 2003 and, 2) effective FY 2004 authorize an annual increased assessment not to exceed the San Diego CPI-U index and, 3) revise the current apportionment methodology and determination of benefitting parcels within the District.

	Est. Year End	
	(Zone 1)	(Zone 1)
<u>DESCRIPTION</u>	<u>FY 2002</u>	<u>FY 2003</u>
BEGINNING BALANCE	\$ 289.00	\$ 65.00
REVENUE:		
Assessments	\$ 20,106.00	\$29,615.00
Interest	300.00	200.00
City Contribution	<u>50.00</u>	<u>53.00</u>
TOTAL REVENUE	\$ 20,456.00	\$29,868.00
EXPENSE:		
Personnel	\$ 1,695.00	\$ 1,405.00
Contractual	11,000.00	17,000.00
Incidental	3,513.00	3,255.00
Utilities	<u>4,472.00</u>	<u>6,072.00</u>
TOTAL EXPENSE	\$20,680.00	\$27,682.00
ENDING BALANCE	\$ 65.00	\$ 2,251.00

The proposed assessment for Zone 1 in Fiscal Year 2003 is \$89.92 per EBU. Zone 1 contains a total of 329.35 EBUs. The assessment is an increase of \$24.00 (a 36.4% increase) per EBU in Zone 1 from \$65.92 per EBU.

FISCAL IMPACT:

It is proposed that the City contribute \$53 from the Environmental Growth Fund for 2 acres of open space (\$26.63/acre). This represents the City's share of expenses incurred for maintaining open space comparable to similar areas throughout the City. All other costs are assessed to the District.

Herring/Medina/SY

FILE LOCATION: Subitems A & B: STRT-M-407-03 (34)

COUNCIL ACTION: (Tape location: D031-047.)

Assistant City Clerk Jack Fishkin announced that the assessment ballots returned in favor of the levy of the assessment for the District, are greater than those in opposition.

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-not present, Mayor Murphy-not present.

ITEM-S403: Two actions related to Scripps-Miramar Ranch Maintenance Assessment District.

(Continued from the meeting of 7/23/02, Item 332, at the City Manager's request, to allow staff to tabulate the ballots.)

NOTE: Hearing opened and closed on 7/23/02.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1613) ADOPTED AS RESOLUTION R-296884

Considering the protests, approving modified map, confirming the assessments, ordering the proposed maintenance, and approving the Assessment Engineer's Report in the matter of the Scripps-Miramar Ranch Maintenance Assessment District.

Subitem-B: (R-2002-1615) ADOPTED AS RESOLUTION R-296885

Approving Fiscal Year 2003 Budget for the Scripps-Miramar Ranch Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action will increase the Fiscal Year 2003 assessments for Scripps-Miramar Ranch Maintenance Assessment District (District). The District was established in May 1981. It currently provides

maintenance for landscaped medians, open space areas, two ponds and oversees contracts for population based parks and the Scripps Ranch Library within the District Boundaries. In FY 2003 the District will maintain 15,468 sq. ft. of landscaped medians, 3,260 sq. ft. of hardscaped medians, 479 acres of open space areas and two ponds. The District will also continue to oversee the contracts for the population based parks and the Scripps Ranch Library. Recently, the City Auditor and Comptroller's Office has reviewed General Fund transfers and recommended a retroactive adjustment be made for payments made to the District for its population based parks in FY 99, FY 00 and FY 01. This adjustment will be spread over a three year period beginning in FY 04. For the last few years the District has been over-spending its income, and financing the maintenance of its current service level by spending down its reserve.

On January 8, 2002, the property owners representing Scripps-Miramar Ranch Maintenance Assessment District approved going to ballot of the District property owners to: 1) raise the annual assessment per Equivalent Benefit Unit (EBU) from \$84.00 to \$116.00 in FY 2003 and, 2) provide funding for additional improvements within the District and their future maintenance and, 3) revise the current apportionment methodology and determination of benefitting parcels within the District.

<u>DESCRIPTION</u>	Est. Year End	
	<u>FY 2002</u>	<u>FY 2003</u>
BEGINNING BALANCE	\$ 4,484.00	\$ 0.00
REVENUE:		
Assessments	\$512,084.00	\$721,044.00
Interest	(1,000.00)	1,000.00
Transfer from the General Fund	177,328.00	168,989.00
City Contribution	<u>\$ 13,706.00</u>	<u>\$ 15,957.00</u>
TOTAL REVENUE	\$702,118.00	\$906,990.00
EXPENSE:		
Personnel	\$75,980.00	\$ 77,875.00
Contractual	504,274.00	556,604.00
Incidental	74,747.00	79,027.00
Utilities	<u>51,600.00</u>	<u>51,600.00</u>
TOTAL EXPENSE	\$706,601.00	\$765,106.00
ENDING BALANCE	\$ 0.00	\$141,884.00

The proposed assessment for Fiscal Year 2003 is \$116.00 per EBU in Zones 1, 2, 3 and 4. The District contains a total of 6,215.81 EBU's, with 855.85 EBU's in Zone 1, 4,592.52 EBU's in Zone 2, 767.44 EBU's in Zone 3 and 0.0 EBU's in Zone 4. The assessment is an increase of \$32.00 (a 38% increase) per EBU to each zone from the Fiscal Year 2002 assessment of \$84.00 per EBU. The

property owners in Zone 4 are currently maintaining open space improvements along the south side of Pomerado Road in lieu of being billed an assessment.

FISCAL IMPACT:

It is proposed that the City contribute \$2,826 from the Gas Tax for maintenance of 15,468 sq. ft. of landscaped medians at \$0.18/sq. ft. and 3,260 sq. ft. of hardscaped medians at \$0.013/sq. ft. In addition, the City will contribute \$12,756 from Environmental Growth Fund for the maintenance of 479 acres of open space at \$26.63/acre and a one-time retroactive contribution of \$375 for the maintenance of 4 acres at \$25/acre for three years (FY 00, 01 and 02). Additionally, a transfer of \$168,989 will be made from the General Fund. Park and Recreation Department will transfer \$160,867 for grounds maintenance of 36.93 acres of population-based parks at the City average cost of \$4,356/park acre. The Library Department will transfer \$8,122 for grounds maintenance of 2 acres at the Scripps Ranch Branch Library at the City's average cost of \$4,061/library acre. These City contributions and transfers represent the City's share of expenses for maintenance of similar areas throughout the City. All other costs are assessed to the District.

Herring/Medina/SY

FILE LOCATION: Subitems A & B: STRT-M-356-03 (34)

COUNCIL ACTION: (Tape location: D048-056.)

Assistant City Clerk Jack Fishkin announced that the assessment ballots returned in favor of the levy of the assessment for the District, are greater than those returned in opposition.

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-not present.

ITEM-S404: Two actions related to Miramar Ranch North Maintenance Assessment District.

(Continued from the meeting of 7/23/02, Item 333, at the City Manager's request, to allow staff to tabulate the ballots.)

NOTE: Hearing opened and closed on 7/23/02.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1617) ADOPTED AS RESOLUTION R-296886

Considering the protests, approving modified map, confirming the assessments, ordering the proposed maintenance, and approving the Assessment Engineer's Report in the matter of the Miramar Ranch North Maintenance Assessment District.

Subitem-B: (R-2002-1619) ADOPTED AS RESOLUTION R-296887

Approving Fiscal Year 2003 Budget for the Miramar Ranch North Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action will increase the Fiscal Year 2003 assessments for Miramar Ranch North Maintenance Assessment District (District). The District was established in 1987. It currently provides maintenance for landscape medians, paved medians, landscaped right-of-ways, landscaped slopes, gutters, and "interpretive/pocket" parks within the District boundaries. At build-out, the District will maintain 2 acres of landscaped medians, 1.6 acres of paved medians, 19.3 acres of landscaped right-of-ways, 74.3 acres of sidewalks and curbs, 523.3 acres of open space and 7.8 acres of "interpretive/pocket" parks and a restroom at Miramar Overlook Park.

On February 6, 2002 the Miramar Ranch North Planning Committee approved going to a ballot to: 1) raise the annual assessment per Equivalent Benefit Unit (EBU) from \$50.64 to \$52.90 in Zone 1 and from \$127.34 to \$229.82 in Zone 2 in FY 2003 and, 2) provide funding for additional improvements within the District and their future maintenance.

	Est. Year End	
<u>DESCRIPTION</u>	<u>FY 2002</u>	<u>FY 2003</u>
BEGINNING BALANCE	\$ 182,967.00	\$ 232,255.00
REVENUE:		
Assessments	\$ 633,890.00	\$1,038,348.00
Interest	7,112.00	6,881.00
Damages Recovered	121,000.00*	0.00
City Contribution	<u>13,351.00</u>	<u>33,363.00</u>
TOTAL REVENUE	\$ 775,353.00	\$1,078,592.00

EXPENSE:

Personnel	\$ 56,365.00	\$ 97,824.00
Contractual	361,000.00	415,569.00
Incidental	93,700.00	136,117.00
Utilities	<u>215,000.00</u>	<u>367,130.00</u>
TOTAL EXPENSE	\$ 726,065.00	\$1,016,640.00

ENDING BALANCE	\$ 232,255.00	\$ 294,207.00
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* Anticipated one-time reimbursement for damage to District assets.

The proposed assessment for Fiscal Year 2003 is \$52.90 per Equivalent Benefit Unit (EBU) in Zone 1, and \$229.824 per EBU in Zone 2. The District contains 6,441.41 EBU's: 2,498.43 EBU's in Zone 1 and 3,942.98 EBU's in Zone 2.

The assessment is an increase of \$2.26 (a 4.4% increase) per EBU in Zone 1 from the FY 2002 assessment of \$50.64 and a increase of \$102.48 (a 80.4% increase) per EBU in Zone 2 from the FY 2002 assessment of \$127.34. The maximum authorized assessment is \$64.28 per EBU in Zone 1 and \$279.34 in Zone 2 indexed annually by the San Diego CPI-U. The assessment increase in Zone 2 is due to approximately double the acreage of medians, right-of-way, slopes adjacent to rights of way, open space, pocket parks and street medians being added to this area of the MAD from what was previously approved by property owner ballot in 1998.

FISCAL IMPACT:

It is proposed that the City contribute a total of \$13,653.00 from the Gas Tax Fund: \$12,736 for the maintenance of 70,754 sq. ft. of landscaped medians at \$0.18/sq. ft. and \$917 for maintenance of 70,515 sq. ft. hardscaped (paved) medians at \$0.013/sq. ft. In addition the City will contribute \$19,710 from the Environmental Growth Fund: \$13,935 for the maintenance of 523.30 acres of open space at \$26.63/acre, plus retroactive correction of FY 2002 for \$5,775 for maintenance of 231 acres at \$25/acre. This represents the City's share of expenses incurred for maintenance of street medians comparable to similar areas throughout the City. All other costs are assessed to the District.

Herring/Medina/SY

FILE LOCATION: Subitems A & B: STRT-M-385-03 (34)

COUNCIL ACTION: (Tape location: D057-063.)

Assistant City Clerk Jack Fishkin announced that the assessment ballots returned in favor of the levy of the assessment for the District, are greater than those returned in opposition.

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-not present, Mayor Murphy-not present.

ITEM-S405: Two actions related to Linda Vista Road Maintenance Assessment District.

(Continued from the meeting of 7/23/02, Item 334, at the City Manager's request, to allow staff to tabulate the ballots.)

NOTE: Hearing opened and closed on 7/23/02.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1537) ADOPTED AS RESOLUTION R-296888

Considering the protests, approving modified map, confirming the assessments, ordering the proposed maintenance, and approving the Assessment Engineer's Report in the matter of the Linda Vista Road Maintenance Assessment District.

Subitem-B: (R-2002-1539) ADOPTED AS RESOLUTION R-296889

Approving Fiscal Year 2003 Budget for the Linda Vista Road Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action will increase the Fiscal Year 2003 assessments for Linda Vista Road Maintenance Assessment District (District). The District was established in April 1990. It currently provides maintenance for landscaping improvements on the raised medians and parkway areas along each side of Linda Vista Road within the public right-of-way, and for street trees on the southern side of Genesee Avenue from Linda Vista Road to Highway 163. In FY 2003, the District will maintain 0.64 acres of landscaped medians, 3.08 acres of hardscape medians and right-of-way, 5.04 acres of landscaped rights-of-way and 14,319 linear ft. of gutters. For the last years, the District has been over-spending its income, and financing the maintenance of its current service level by spending down its reserve.

On November 26, 2001, the Linda Vista Road Maintenance Assessment District Committee voted to go to a ballot of the District property owners to: 1) raise the annual assessment per Equivalent Benefit Unit (EBU) from \$10.34 to \$14.00 in FY2003 and, 2) effective FY 2004 authorize an annual increased assessment not to exceed on San Diego CPI-U plus 4%. The purpose is to increase income sufficient to cover the current service level, maintain a minimum 10% operating reserve, and fund small planting projects and their future maintenance.

<u>DESCRIPTION</u>	<u>Est. Year End FY 2002</u>	<u>FY 2003</u>
BEGINNING BALANCE(Reserve)	\$ 29,040.00	\$ 714.00
REVENUE:		
Assessments	\$ 88,724.00	120,117.00
Interest	1,000.00	29.00
City Contribution	<u>3,342.00</u>	<u>5,510.00</u>
TOTAL REVENUE	\$ 93,066.00	\$125,656.00
EXPENSE:		
Personnel	\$ 14,977.00	\$ 17,469.00
Contractual	53,000.00	55,650.00
Incidental	34,165.00	20,166.00
Utilities	<u>19,250.00</u>	<u>19,747.00</u>
TOTAL EXPENSE	\$121,392.00	\$113,031.00
ENDING BALANCE (Reserve)	\$ 714.00	\$ 13,339.00

The proposed assessment for Fiscal Year 2003 is \$14.00 per EBU in Zone 1, Zone 2, and Zone 3. The District contains a total of 8,579.77 EBUs, with 6,721.28 EBUs in Zone 1, 1,094.35 EBUs in Zone 2, and 764.14 EBUs in Zone 3. The assessment is an increase of \$3.66 (a 35.4% increase) per EBU to each zone from the Fiscal Year 2002 assessment of \$10.34 per EBU. Within Zone 3, the medians are currently being cared for by the Navy in lieu of half of the Navy's assessment. If those medians are ever transferred to the District, the assessment to each parcel within Zone 3 will be increased proportionately.

FISCAL IMPACT:

It is proposed that the City contribute \$5,510 from the Gas Tax Fund: \$5,013 for the maintenance of 27,850 sq. ft. of landscaped medians (0.18/sq. ft.) And \$497 for maintenance of 38,260 sq. ft. of hardscape medians (\$0.013/sq. ft). This represents the City's share of expenses incurred for maintenance of street medians comparable to similar areas throughout the City. All other costs are assessed to the District.

Herring/Medina/SY

FILE LOCATION: Subitems A & B: STRT-M-363-03 (34)

COUNCIL ACTION: (Tape location: D065-072.)

Assistant City Clerk Jack Fishkin announced that the assessment ballots returned in favor of the levy of the assessment for the District, are greater than those returned in opposition.

MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-not present.

* ITEM-S406: Funding for Memorial Skate Park and Urban Forestry Programs.

(Southeastern San Diego Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-179) ADOPTED AS RESOLUTION R-296890

Amending the Fiscal Year 2003 Capital Improvements Project Budget by adding CIP-52-445.0, Annual Allocation - Urban Forestry at Street Right-of-Way Locations Citywide, for the purpose of planting trees in the right-of-way;

Amending the Fiscal Year 2003 Capital Improvements Project Budget, Fund 30309, by increasing CIP-52-445.0, Annual Allocation - Urban Forestry at Street Right-of-Way Locations Citywide by \$150,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$150,000 in CIP-52-445.0, Annual Allocation - Urban Forestry at Street Right-of-Way Locations Citywide, TransNet Infrastructure Fund 30309, for the purpose of planting trees in the right-of-way, contingent upon approval of this program within the San Diego Association of Governments (SANDAG) Regional Transportation Improvement Program (RTIP);

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$150,000 from the Community Development Block Grant Fund, Fiscal Year 2003 Urban Forestry Program Allocation (Fund No. 18538, Dept. 4251, Org. 5103, JO #000001) to CIP-29-515.0, Memorial Community Park - Skate Park;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$150,000 from CIP-29-515.0, Memorial Community Park - Skate Park, Community Development Block Grant (Fund No. 18538, Dept. 4251, Org. 5103, JO #000001).

CITY MANAGER SUPPORTING INFORMATION:

The Urban Forestry Program provides for the planting of trees within the City's right of way, and the Memorial Skate Park project provides for an in-ground concrete skate park in the vicinity of Memorial Community Park. This action will authorize the appropriation of \$150,000 of TransNet Infrastructure funding from Council District 8 into new CIP-52-445.0, Annual Allocation - Urban Forestry at Street Right-of-Way Locations Citywide (plant trees within the City's right of way) and the transfer of \$150,000 in existing Citywide Community Development Block Grant (CDBG) funds in the Urban Forestry Program to CIP-29-515.0, Memorial Skate Park. The Urban Forestry project will be submitted to the San Diego Association of Governments (SANDAG) as part of the 2002-2006 Regional Transportation Improvement Program (RTIP) amendment, which will be submitted by staff immediately upon adoption of the annual Appropriation Ordinance.

FISCAL IMPACT:

This action will authorize an allocation of \$150,000 in TransNet Infrastructure Fund 30309 from Council District 8 to the new CIP-52-445.0, Annual Allocation - Urban Forestry at Street and Sidewalk Capital Improvement Project Locations Citywide, contingent upon inclusion of this program within the Regional Transportation Improvement Program (RTIP). In addition, this action will transfer \$150,000 from the Citywide Community Development Block Grant (CDBG) Fiscal Year 2003 Urban Forestry Program Allocation (Fund 18538, Dept. 4251, Org. 5103, JO# 000001) to CIP-29-515.0, Memorial Community Park - Skate Park. The \$150,000 Community Development Block Grant allocation is included in the Fiscal Year 2003 Capital Improvements Program Budget for CIP-29-515.0. Of the \$834,390 total project cost for Memorial Skate Park, \$34,390 remains unfunded at this time.

Frazier/Irvine/AWF

Aud. Cert. 2300121.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: A425-480.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Stevens at 4:35 p.m. in honor of the memory of:

Col. Edward Ronald Wahl, U. S. Army, Retired, at the request of Council Member Frye.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D075-113.)